

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Amendment of Section 73.202(b))	MB Docket No. 02-341
FM Table of Allotments,)	RM-10594
FM Broadcast Stations.)	
(Encino, Texas))	

REPORT AND ORDER

Adopted: November 14, 2003

Released: November 17, 2003

By the Assistant Chief, Audio Division:

1. The Audio Division has before it a *Notice of Proposed Rulemaking* issued at the request of Charles Crawford ("Petitioner") proposing the allotment of Channel 283A at Encino, Texas, as the community's first local aural transmission service. Petitioner states that he will apply for the channel, if allotted. Petitioner filed comments reiterating his intention to apply for the channel and construct the station. No other comments were filed.

2. In support of the allotment, Petitioner states that Encino is a Census Designated Place with a population of 110 persons. It has an elementary school, volunteer fire department, post office, churches and numerous businesses.

3. We will grant the allotment. Encino has sufficient indicia of community status and will receive its first local aural transmission service which will serve priority (3) of the FM Allotment priorities.

4. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g), and (r), and 307(b) of the Communications Act of 1934, as amended, and 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED That effective January 8, 2004, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED, with respect to the communities listed below, as follows:

Community

Channel

Encino, Texas

283A

5. IT IS ORDERED That the Secretary of the Commission shall send by Certified Mail Return Receipt Requested, a copy of this *Order* to the following:

Charles Crawford
4553 Bordeaux Ave.
Dallas, TX 75205

6. Channel 283A can be allotted at Encino with a site restriction of 6.4 kilometers (4.0

miles) west of the community.¹ This proposal is within 320 kilometers (199 miles) of the U.S.-Mexico border, requiring concurrence of the Mexican government. Although Mexican concurrence has been requested for the allotment of Channel 283A at Encino notification has not been received. Therefore, operation with the facilities specified for Encino herein is subject to modification, suspension, or termination without right to hearing, if found by the Commission to be necessary in order to conform to the 1992 USA- Mexico FM Broadcast Agreement or if specifically objected to by Mexico.

7. A filing window for Channel 283A, at Encino will not be opened at this time. Instead, the issue of opening this allotment for auction will be addressed by the Commission in a subsequent order.

8. IT IS FURTHER ORDERED that the Petition for Rule Making filed by Charles Crawford IS GRANTED.

9. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

10. For further information contact Victoria M. McCauley (202) 418 2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief, Audio Division
Media Bureau

¹ Coordinates for Channel 283A at Encino, Texas are 26-55-42 NL and 98-11-56 WL.